

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BARBARA E. VARNER,

*Plaintiff,*

vs.

COMMONWEALTH OF PA, *ET AL.*,

*Defendants*

CIVIL ACTION

NO. 01-CV-01-0725

*J Kane*

ORIGINAL 7/19/01  
FILED  
HARRISBURG  
JUL 18 2001  
MARY E. D'ANDREA, CLERK  
Per *[Signature]*  
DEPUTY CLERK

**MOTION TO DISMISS FILED ON BEHALF OF COURT DEFENDANT,  
COMMONWEALTH OF PENNSYLVANIA, NINTH JUDICIAL DISTRICT**

NOW COMES Defendant, Commonwealth of Pennsylvania, Ninth Judicial District ("Court Defendant"), under Rule 12 (b) (6) of the Federal Rules of Civil Procedure, and respectfully requests this Honorable Court to dismiss that portion of Plaintiff's Complaint which alleges entitlement to punitive damages, for reasons set forth in the accompanying Brief.

*[Signature]*  
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Ninth Judicial District***